

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALBERTO GUILLEN,	)	No. C 02-0722 WHA (PR)
	)	
Petitioner,	)	ORDER DIRECTING
	)	PETITIONER TO FILE
vs.	)	MOTION OR NOTICE
	)	
MR. McGRATH, Warden,	)	
	)	
Respondent.	)	
_____	)	

This is a habeas case brought pro se by a state prisoner. The case was stayed in 2004 to allow petitioner to exhaust his state court remedies as to certain claims, and in 2005 the case was administratively closed pending such a stay. Petitioner has not filed anything since a notice of change of address in May 2005, and he has neither sought to lift the stay or indicated whether he has exhausted his claims. On or before **November 28, 2013**, petitioner **shall** file either: (1) a motion to lift the stay that clearly identifies all of the claims he has exhausted and wishes to pursue herein, as well as an amended petition setting forth such claims; or (2) a notice that he no longer wishes to proceed with this case. If he fails to do so, this case will be dismissed for failure to prosecute. Petitioner will not be allowed any further time to exhaust claims. *See Kelly v. Small*, 315 F.3d 1063, 1071 (9th Cir. 2003) (district court may require that petitioner file his unexhausted claims in state court within thirty days, and return to federal court within thirty days of final decision by state courts on those claims).

IT IS SO ORDERED.

Dated: October 23, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE